

### **REMARKS**

This is in response to the Office Action mailed on March 22, 2004, and the references cited therewith.

Claim 16 is amended. As a result, claims 1-28 are now pending in this application.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form on March 6, 2002 and Supplemental Information Disclosure Statements and 1449 Forms on May 30, 2002 and October 11, 2002. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

#### **§112 Rejection of the Claims**

Claim 16 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, Claim 16 contains a typographical error

Applicant has amended claim 16 as suggested by the Examiner. As amended, claim 16 overcomes this rejection. Applicant respectfully requests the withdrawal of this rejection.

#### **Obviousness Type Double Patenting Rejection**

Claims 18-28 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 5-7 and 9-16 of copending Application No. 10/043,581.

Claims 11-28 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,043,218.

Claims 18-28 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,358,922.

Though his attorney, Applicant has submitted with this Response a Terminal Disclaimer relative to the foregoing patent application and patents. The Terminal Disclaimer overcomes these obviousness-type double patenting rejections. Applicant respectfully requests withdrawal of these rejections.

*Allowable Subject Matter*

The Examiner has determined that claims 1-10 are allowable.

Conclusion

In view of the amendment and Terminal Disclaimer, Applicant respectfully submits that all claims 1-28 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6939 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date

August 17, 2004

By

A. James Nelson  
A. James Nelson  
Reg. No. 28,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17<sup>th</sup> day of August, 2004.

Name

Dawn M. Boyle

Signature

Dawn M. Boyle